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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,655	12/10/2001	Marvin R. Hamrick	BS99-092-CON	2330

39262 7590 01/11/2006

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EXAMINER	
TO, TUAN C	

ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,655	HAMRICK ET AL.	
	Examiner	Art Unit	
	Tuan C. To	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40-42,52-54,56-58,60-76 and 81-91* is/are pending in the application.

4a) Of the above claim(s) *40-42,60-76 and 81-91* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *52-54 and 56-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/05/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restriction

Applicant's election with traverse of Group III (claims 52-54, and 56-58) in the reply filed on 10/24/2005 is acknowledged. The traversal is on the ground(s) that the there is no serious burden on the examiner. The applicant argued that all claims subject to the restriction requirement were already allowed prior to the restriction requirement.

This is not found persuasive because the following:

According to MPEP, 37 CFR 1.142(a), regarding to "Time for Making Requirement", a restriction requirement "will normally be made before any action upon the merits; however, it may be made at any time before final action". It should be noted that restriction was properly made before final action.

As clearly point out in the restriction requirement, the restriction requirement not only shows the separate classification but also the reasoning why said group were restrictable (i.e, process/apparatus, unrelated inventions). The applicant does not argue that the groups are not separable, but rather argues the burden placed on the examiner. This is not persuasive. Clearly, a burden exists when more than one invention is claimed and requires numerous class/subclass searches.

The requirement is still deemed proper and is therefore made FINAL.

An action on claims 52-54, and 56-58 follows:

Allowable Subject Matter

The indicated allowability of claims 52-54, and 56-58 is withdrawn in view of the newly discovered reference(s) to Maekawa et al. (US 5774073A), Janky et al. (US 5751245A), Ross (US 5977884A), and Higdon et al. (US 5874889A). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 52 is rejected under 35 U.S.C. 102 (b) as being anticipated by Maekawa et al. (US 5774073A).

Maekawa et al. direct to a navigation system for monitoring the position of a vehicle on a specific route and also searching a guided route based on the input departure point, destination. In Maekawa et al., the current position detecting device (2) stands for the GPS receiver that receives vehicle location from satellites (Maekawa et al., column 4, lines 36-47), the processing device (4) communicates with said receiver (2) and determine whether the vehicle deviates from current (off-route) by comparing a

distance from the current position of the vehicle to a set route with a predetermined value (Maekawa et al., column 7, lines 16-19).

Claims 53 and 56 are rejected under 35 U.S.C. 102 (b) as being anticipated by Janky et al. (US 5751245A).

Janky et al. disclose a vehicle monitoring system, in which the geographic lacating mean determines the vehicle location (Janky et al., abstract); a comparator and control unit responsive to receiving geographic location information from said locating unit and compares said information with the stored predetermined geographic location information (Janky et al., column 5, lines 44-49. When the vehicle location is different to compare with a threshold, an authorized person at a central station is noted (Janky et al., column 6, lines 15-21).

Claim 58 is rejected under 35 U.S.C. 102 (a) as being anticipated by Westerlage et al. (US 5987377A) as previously cited.

Westerlage discloses a vehicle monitoring system comprising: "a receiver for receiving vehicle location information; and a processor in communication with the receiver, the processor programmed to determine the length of time the vehicle remains stationary, compare the length of time the vehicle remains stationary to a predetermined stationary time, and if the length of time the vehicle remains stationary is greater than or equal to the predetermined stationary time, then note an exception" (see Westerlage, Figure 5; column 8, lines 46-65).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. (US 5774073A) and in view of Ross (US 5977884A).

As previously presented, Maekawa et al. direct to a vehicle monitoring system, including a receiver for receiving vehicle location information, and a computer for communicating with said receiver, the computer performs a comparison of the vehicle location to a predetermined value and notes an exception based on the comparison.

Ross teaches another vehicle monitoring system, in which the GPS receiver (102) (Ross, figure 1) provides speed signal. The comparator (124) compares the GPS speed signal to a maximum speed signal (Ross, column 3, lines 53-62). The comparator determines whether or not the actual speed signal is greater than, less than or equal the maximum speed. The comparator notes an exception by sending the over speed signal to AND gate (112) when the actual speed signal is greater the maximum speed (Ross, column 4, lines 14-23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Maekawa et al. to include the teachings as taught by Ross to gain advantage therefore (i.e., alarm signal could be generated to alert the vehicle operator that the speed limit on a specific road has been exceeded).

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. (US 5774073A) and in view of Higdon et al. (US 5874889A).

As represented herein above, Maekawa et al. direct to a vehicle monitoring system, including a receiver for receiving vehicle location information, and a computer for communicating with said receiver, the computer performs a comparison of the vehicle location to a predetermined value and notes an exception based on the comparison.

Higdon et al. discloses another vehicle monitoring system, in which the receiver (260) communicates with ignition switch sensor (226) via the controller (210) (Higdon et al, figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Maekawa et al. to include the teachings as taught by Higdon et al. to gain advantage therefore (i.e., an alert signal is immediately sent to a police station after the vehicle is stolen and operated by unauthorized person. A police officer can be able to keep track the movement of the stolen vehicle while he is on his patrol).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

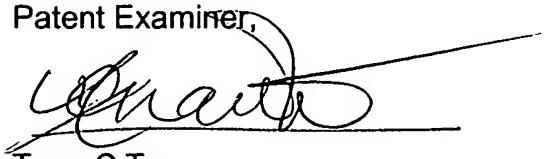
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,



Tuan C To

December 29, 2005